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FORT LAUDERDALE CITY COMMISSION
JULY 6, 2000**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
JULY 6, 2000**

Meeting was called to order at 6:20 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present:	Commissioner Gloria F. Katz Commissioner Carlton B. Moore Commissioner Cindi Hutchinson Commissioner Tim Smith Mayor Naugle
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Absent:	None
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Also Present:

City Manager	F. T. Johnson
City Attorney	Dennis E. Lyles
City Clerk	Lucy Masliah
Sergeant at Arms	Sgt. Roody

Invocation was offered by the City Manager. *Mr. Howard Sapp* sang the National Anthem. Commissioner Hutchinson explained that she had invited Mr. Sapp to perform after hearing his beautiful voice at a Women's Air Traffic Controller Conference. She expressed her appreciation to Mr. Sapp for an outstanding performance and presented him with a City Seal.

Pledge of Allegiance to the Flag.

NOTE: All Items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)**1. Expressions of Sympathy**

Mayor Naugle presented Expressions of Sympathy, on behalf of the City Commission, to the families of Lynn Futch, Leroy Bates and Verona Lewis.

2. The Flag that Remembers

Mayor Naugle introduced *Mr. Paul Bryant* and *Colonel Robert Rawls* who presented the City Commission with The Flag that Remembers, honoring veterans of all armed services. Mr. Bryant stated that Ms. Anna Billing, of Lakeland, and some friends had designed this flag to honor all of the armed services, and it had made quite an impression. He displayed the flag and described its patriotic features and what each represented. Mayor Naugle stated that the flag would be flown at an appropriate time to honor the armed services, and he asked the City Manager to prepare a letter of appreciation for the flag's creators.

3. Smoke Detector Test

Commissioner Hutchinson demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

4. "Parks and Recreation Month"

Commissioner Moore read aloud and presented a Proclamation declaring July, 2000 as "Parks and Recreation Month" in the City of Fort Lauderdale. He noted that his mother was present this evening, and she had been an employee of the Parks & Recreation Department for over 30 years. Mr. Tom Tapp, Director, accepted the Proclamation on behalf of the Parks & Recreation Department. Ms. Marie Rock, Program Coordinator, introduced some of the youngsters taking advantage of the City's Summer Camp Programs, and each child explained what they liked best about Camp.

5. Outstanding City Employees of the Month

The City Manager introduced Department Directors to present the Outstanding City Employees of the Month:

- Officers Lynne Kennersnon and Mario Diaz, and Crime Analyst Glen Wildey, of the Police Department;
- Marlene Kimble, of the Community and Economic Development Department;
- Jeanette Sameem, Paul Milazzo, and Ronnie Potts, of the Public Services Department;
- Marie Rock, of the Parks & Recreation Department; and
- Debra Flowers, of the Fire-Rescue Department.

6. Commissioner Moore – Resignation

Commissioner Moore read aloud a letter he had addressed to the City Clerk. It indicated that it had been his honor to represent the residents of District 3 for the past 12 years, and it described some of the achievements made within the district during his tenure. Nevertheless, he had decided to seek a County Commission seat resign as a City Commissioner, effective November 21, 2000. Commissioner Moore expressed appreciation to the Commission and staff for all of their support over the past 12 years. He explained he had asked his mother to be present for this announcement because he owed her so much for all her guidance, and he had invited Mrs. Marjorie Davis to be present as well to give thanks for her leadership within the community.

Commissioner Moore wanted to ensure the community that he would continue to work diligently, no matter the outcome of the election. He also asked that the City Commission rename Northwest 5th Street, from 7th Avenue to 19th Avenue, in honor of Mrs. Davis. Commissioner Moore stated that Mrs. Davis had been instrumental in reclaiming this street for the community. Mayor Naugle suggested that a resolution be prepared for consideration on July 18, 2000. It was agreed.

Commissioner Moore was presented with a fruit basket on behalf of District 3 as a token of love and encouragement on his future endeavors.

Before continuing, Mayor Naugle announced that Item R-1 had been deleted from the agenda. He also announced that there would be no discussion this evening about the possibility of an "Under 21" ordinance because the Commission had decided today to defer consideration until later in the year.

CONSENT AGENDA (CA)

The following items were listed on the Consent Agenda for approval as recommended. The City Manager reviewed each item, and observations were made as shown. The following statement was read:

Event Agreement – Florida Beach Volleyball Tour

(M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **USA Volleyball** to indemnify, protect, and hold harmless the City from any liability in connection with the **Florida Beach Volleyball Tour** to be held **Saturday, July 15, 2000 from 9:00 a.m. to 7:00 p.m.** at South Beach.

Recommend: Motion to approve.

Exhibit: Memo No. 00-921 from City Manager.

CONSENT AGENDA

Event Agreement – Family Fitness Weekend/Beach Soccer**(M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Arthritis Foundation Florida Chapter** to indemnify, protect, and hold harmless the City from any liability in connection with the **Family Fitness Weekend/Beach Soccer** to be held **Saturday, July 29, 2000 from 8:00 a.m. to 6:00 p.m. and Sunday, July 30, 2000 from 7:00 a.m. to 12 noon** at Birch State Park and Fort Lauderdale Beach; and further authorizing the closing of the following route for the bicycle portion of the triathlon beginning at 7:10 a.m. on Sunday, July 30: exit Birch State Park onto Sunrise Boulevard, proceed east in the eastbound median lane to State Road A-1-A, continue south in the southbound median lane of A-1-A to Mayan Drive, turn around and head north in the northbound curb lane of A-1-A to N.E. 20 Street, turn around and head south in the southbound curb lane to Sunrise Boulevard, and continue in the westbound curb lane to return to Birch State Park.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-920 from City Manager.**Event Agreement – Las Olas Boulevard of Wheels Championship Car Show****(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Las Olas Boulevard of Wheels Championship Car Show** to be held **Sunday, November 5, 2000 from 10:00 a.m. to 5:00 p.m.**; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue and S.E. 8 Avenue, S.E. 9 Avenue, and S.E. 10 Terrace from East Las Olas Boulevard to the alleys on the north and south sides from 5:00 a.m. to 5:00 p.m.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-924 from City Manager.**Interlocal Agreement – City of Wilton Manors – Fire-Rescue Services****(M-4)**

A motion authorizing the proper City officials to execute a five-year interlocal agreement with the City of Wilton Manors for fire-rescue services, retroactive to June 1, 2000.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-900 from City Manager.**Service Agreement – City of Oakland Park –
Joint Coverage, Automatic and Mutual Aid of Fire-Rescue Services****(M-5)**

A motion authorizing the proper City officials to execute a Service Agreement with the City of Oakland Park to provide for joint coverage, automatic and mutual aid of fire-rescue services.

Recommend: Motion to approve.**Exhibit:** Memo No. 00-881 from City Manager.

CONSENT AGENDA

**Payment for Consultant -
James DeBellis – Review of City's Economic Development Efforts****(M-6)**

A motion authorizing the proper City officials to approve payment to consultant James DeBellis to perform a management and programmatic review of the City's economic development efforts in the amount of \$16,372.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-958 from City Manager.

**Streetlight Agreement – Florida Power and Light (FPL) –
Project 10219 – Streetlights at Radice Corporate Center Park****(M-7)**

A motion authorizing the proper City officials to execute an agreement with FPL for the installation of streetlights at Radice Corporate Center Park located on N.E. 7 Avenue, north of Cypress Creek Road (N.E. 62 Street) at a cost of \$57,036.25.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-779 from City Manager.

**Contract Negotiation/Competitive Consultant
Negotiation Act (CCNA) – Woolpert LLP – Project 414A –
Geographic Information Systems (GIS) Utility Mapping and Data Conversion****(M-8)**

A motion approving the Selection Committee's recommendation of Woolpert LLP as the top-ranked firm and authority to commence contract negotiations to perform GIS utility mapping and data conversion services.

Recommend: Motion to approve.

Exhibit: Memo No. 00-925 from City Manager.

**Change Order No. 1 – Florida Environmental Contractors –
Project 10038 – Underground Storage Tank Fuel Piping Removal/Replacement****(M-9)**

A motion authorizing the proper City officials to executive Change Order No. 1 with Florida Environmental Contractors in the amount of \$43,235.49 for upgrades to the fuel storage system at the Police Station, Compost facility, Fiveash Water Treatment Plant, and other facilities in order to comply with Broward County's fuel system regulations.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 00-917 from City Manager.

CONSENT AGENDA

Neighborhood Capital Improvement Program (NCIP) - Grant and Maintenance Agreement – Bermuda Riviera Homeowners Association - Projects 10075 and 10198 – Purchase and Installation of Trees

(M-10)

A motion authorizing the proper City officials execute a grant and maintenance agreement with the Bermuda Riviera Homeowners Association for the purchase and installation of trees under NCIP.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 00-678 from City Manager.

Lease Agreement – CAPROC Third Avenue, L.L.C. - Office Space – 101 N.E. 3 Avenue Building, Floors One, Two and Three

(M-11)

A motion authorizing the proper City officials execute a lease agreement with CAPROC Third Avenue, L.L.C. for office space located in the 101 N.E. 3 Avenue Building, floors one, two and three.

Recommend: Motion to approve.

Exhibit: Memo No. 00-889 from City Manager.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-1</u>
State	Purchase of recycled plastic trashcan liners Admin. Serv./Stores	General Poly Pompano Beach, FL Dyna-Pak Corporation Lawrenceburgh, TN	\$37,000.00
			<u>2,400.00</u>
			\$39,400.00 (estimated)

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-832 from City Manager

Recomm: Approve purchases from Florida State Contract.

			<u>Pur-2</u>
Prop	Upgrade of job analysis software program, license, training and software support Admin. Serv./Personnel	Developmental Dimensions, Inc. Bridgeville, PA	\$ 14,449.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-892 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve proprietary purchase.

			<u>Pur-3</u>
412-5080	One year maintenance agreements for Noise Monitoring System CED/Executive Airport	Lochard Corporation Stoneham, MA Megadata Corp. Bohemia, NY Briel & Kjaer Norcorss, GA	\$ 28,000.00
			22,200.00
			<u>7,600.00</u>
			\$57,800.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-759 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve one year maintenance agreements.

PURCHASING AGENDA

<u>Bid No.</u>	<u>Item/Service</u>	<u>Low Responsible Bidder</u>	<u>Amount</u>
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392-8152	Continuation of professional services Fire-Rescue	Governmental Services Group, Inc. Tallahassee, FL Printing and Postage	<u>Pur-4</u> \$22,500.00 <u>37,500.00</u> \$60,000.00 (estimated)
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Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-867 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.
Transfer \$18,750 to Printing Services (FRB010101-3516) and \$18,750 to Postage (FRB010101-3616) from the General Fund Contingencies.

Recomm: Approve additional professional services with transfer of funds.

702-8324	One year contract for trophies, plaques and awards Parks & Recreation	Ampros Trophy Kings Ft. Lauderdale, FL	<u>Pur-5</u> \$ 33,000.00 (estimated)
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Bids Solicited/Received: 45/4 with 1 no bid

Exhibits: Memorandum No. 00-909 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Award to low responsive and responsible bidder.

402-8140	Purchase of automated fax/calling system Police	Avtex, Inc. Edina, WI Dell, Inc. Round Rock, TX	<u>Pur-6</u> \$31,600.00 <u>10,039.00</u> \$41,639.00
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Bids Solicited/Received: 23/5 with 2 no bids

Exhibits: Memorandum No. 00-904 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Recomm: Approve award to first ranked proposer and purchase from Florida State Contract.

PURCHASING AGENDA

Bid No.	Item/Service	Low Responsible Bidder	Amount
			<u>Pur-7</u>
302-8297	Purchase of Citizens Response tracking software	Hansen Information Tech., Inc. Sacramento, CA	\$105,800.00
	Purchase of SQL database licenses	SHI Software Sommerset, NJ	<u>4,000.00</u>
	City Manager		\$109,800.00

Bids Solicited/Received: N/A

Exhibits: Memorandum No. 00-952 from City Manager

Remarks: The Purchasing Division has reviewed this item and agrees with the recommendation.

Transfer funds as stated in memo.

Recomm: Award to first ranked proposer with transfer of funds.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

General Liability Settlement - File No. GL 97-236 (Nora Batian) - \$32,500 **(M-12)**

A motion authorizing the settlement of General Liability File No. GL 97-236 for \$32,500 (Nora Batian).

Recommend: Motion to approve.

Exhibit: Memo No. 00-887 from City Manager.

Automobile Liability Settlement - File No. VA GL 98-406 (Tyler Goodman) - \$45,000 **(M-13)**

A motion authorizing the settlement of General Liability File No. VA GL 98-406 for \$45,000 (Tyler Goodman).

Recommend: Motion to approve.

Exhibit: Memo No. 00-886 from City Manager.

**City Commission Request for Review –
Site Plan Review/RAC-SMU (RAC-TMU “South”) – Chinnock at
New River/Walter Ivison – The Symphony (PZ Case No. 8-R-99)** **(M-14)**

A motion setting a public hearing date of July 18, 2000 to consider a site plan approval/RAC-SMU which was approved by the Planning and Zoning Board on June 21, 2000 by a vote of 6-1. (Requested by Commissioner Hutchinson)

Applicant: Chinnock at New River/Walter Ivison
Request: Site plan review/RAC-SMU (RAC-TMU “South”)
Location: 518 West Las Olas Boulevard

Recommend: Motion to approve.

Exhibit: Memo No. 00-854 from City Manager.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-4, M-6, M-9 and M-11 be removed from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Interlocal Agreement – City of Wilton Manors – Fire/Rescue Services (M-4)

Mayor Naugle announced that there had been a typographical error in the memorandum relating to this item. He advised that the monthly replacement payment was \$4,300, rather than \$43,000.

Commissioner Katz requested a report in one year as to the amount collected and the amount expended. The City Manager agreed to provide a report.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-4 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Payment for Consultant – James DeBellis –
Review of City’s Economic Development Efforts (M-6)**

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-6 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Change Order No. 1 – Florida Environmental Contractors –
Project 10038 – Underground Storage Tank Fuel Piping
Removal/Replacement (M-9)**

Commissioner Hutchinson asked how the \$43,000 figure had been reached. Mr. Frank Coulter, Public Services Department, said he could provide that information in a few minutes, and the item was temporarily tabled. He subsequently reported that no figure had been entered for Item 8 on the Change Order, but the total was correct.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-9 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Lease Agreement – CAPROC Third Avenue, L.L.C. –
Office Space – 101 Northeast 3rd Avenue Building,
Floors One, Two and Three (M-11)**

Commissioner Katz requested additional explanation about the lease and the timeline while awaiting completion of Lincoln Park. Mr. Pete Witschen, Assistant City Manager, was hoping the Lincoln Park facility would be completed on or before March 31, 2001. Mayor Naugle asked which functions would remain in the existing facility afterwards. Mr. Witschen replied that the Public Information Office, pure economic development and beach redevelopment staff, and the Downtown Development Authority would remain.

Commissioner Katz understood there would be a six-month lease on the first and second floors, but she did not think Lincoln Park would be ready within that time frame. She thought it might be best to lease the space for a year. Mr. Witschen acknowledged that the time frame was ambitious, but he had been told it was a workable plan. Commissioner Moore wondered if a six-month extension could be worked out at the same rate. Mr. Witschen said he would explore that alternative over the next few minutes, and the item was temporarily tabled. After consultation with the Realtor, the City Manager advised a one-year term would be acceptable. Mayor Naugle preferred a nine-month term. It was agreed.

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve Consent Agenda Item No. M-11 with a nine-month term. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Boys National Clay Court Tennis Championship Tournament..... (OB)

Commissioner Katz wished to reconsider the action taken by the Commission at the last meeting with regard to the Championship Tennis Tournament.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to reconsider the Commission's previous action. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Katz said she had learned since the last meeting that this event was being co-sponsored by the City, and the group had not received approval to proceed until September. Therefore, it had not been possible to apply for promotional funding in the usual fashion. Commissioner Katz noted that the group had reduced its request from \$4,000 to \$2,000.

Mayor Naugle recalled that Comcast had announced a \$2,500 contribution at the last Commission meeting. Commissioner Moore suggested that Comcast be asked to lead a corporate challenge for the remaining \$2,000. If they failed in that effort, he would support a contribution from the City to make up the difference.

Ms. Cindy Stoddart, of Comcast, stated that the General Manager had made a commitment of \$500 for this cause, and he had made a commitment to solicit the balance. She was also happy to report that the Sunshine Network had agreed to cover the event and rebroadcast it Statewide.

Motion made by Commissioner Katz and seconded by Commissioner Smith authorizing the transfer of up to \$2,000 from the General Contingency Fund to GEN 10102/4207 (Promotional Contributions) to support the Boys National Clay Court Tennis Championship Tournament taking place at the Jimmy Evert Tennis center from July 16 to 23, 2000, if additional funding proved necessary. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

General Liability Settlement –

File No. GL 97-236 (Nora Batian) - \$32,500 (M-12)

A motion was presented authorizing the settlement of General Liability File No. GL 97-236 (Nora Batian) for \$32,500.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve the settlement of General Liability File No. GL 97-236 for \$32,500 (Nora Batian). Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Automobile Liability Settlement –

File No. VA GL 98-406 (Tyler Goodman) - \$45,000 (M-13)

A motion was presented authorizing the settlement of General Liability File No. VA GL 98-406 for \$45,000 (Tyler Goodman).

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve the settlement of Automobile Liability File No. GL 98-406 for \$45,000 (Tyler Goodman). Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

City Commission Request for Review –

Site Plan Review/RAC-SMU (RAC-TMU “South”) –

Chinnock at New River/Walter Ivison

The Symphony (PZ Case No. 8-R-99) (M-14)

A motion was presented setting a public hearing date of July 18, 2000 to consider a site plan approval/RAC-SMU which was approved by the Planning & Zoning Board on June 21, 2000 by a vote of 6 to 1, as requested by Commissioner Hutchinson.

Applicant: Chinnock at New River/Walter Ivison
Request: Site plan review/RAC-SMU (RAC-TMU “South”)
Location: 518 West Las Olas Boulevard

Motion made by Commissioner Moore and seconded by Commissioner Smith to schedule a public hearing date of July 18, 2000 to consider a site plan approval/RAC-SMU (RAC-TMU “South”) for this application. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

City Commission Call-Up for Review –

Application to Continue a Nonconforming Use –

National Lift Truck Service/Charlie Frymeyer, Inc.

(ARC Case No. 16-NC-99) (PH-1)

A public hearing was scheduled to consider an application to continue a nonconforming use of the National Lift Truck Service (owner)/Charlie Frymeyer, Inc. (Tenant) at property located at 201 Northwest 20th Avenue. On April 11, 2000, the City Commission voted 5 to 0 to hold such public hearing on June 6, 2000. On June 6, 2000, the City Commission deferred consideration of this item to July 6, 2000.

Mayor Naugle called for those who wished to be heard. Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment.

Ms. Liz Holt, Construction Services Department, summarized the compromise position that had been reached. She stated that the primary condition was that the existing development site and operations would be limited to the approved site plan showing the southern portion of the property. Ms. Holt advised that the area adjacent to the River would remain undeveloped until such time as a site plan was approved through the usual process. Ms. Holt stated that the above ground fuel tanks had been removed, and tree removal issues were being addressed.

Ms. Holt reported that the property owner had agreed to erect a screening wall to shield the operations from public view, and the property would also be subject to retroactive landscape requirements. Mayor Naugle asked if a berm would be constructed to prevent water from draining into the River from the site. Ms. Holt replied that the subject had not been discussed because there was not a drainage problem in this location.

Ms. Susan Motley, Attorney representing the applicant, stated that Code violations had been corrected with the exception of one sabal palm tree that had been knocked over in a storm. That tree would be replaced, and that was the only outstanding violation. Ms. Motley believed all concerns had been addressed and asked the City Commission to affirm staff's recommendation.

Mr. Gerald Jamieson said he was affiliated with the Dorsey Riverbend Residents Association, and the New River snaked through various communities in this area. He stated that the properties along the River were mostly residential, and he hoped this application would be denied and the property rezoned from commercial to residential use. Mr. Jamieson wanted the portion of the River that went through his neighborhood to be just as beautiful as it was in other neighborhoods.

Mr. Jamieson understood a public address system was used at the subject address as early as 5:00 A.M. He felt this was a nuisance to the neighborhood that posed a problem to those working toward redevelopment of the neighborhood.

Mrs. Cone said she was retired, and noise from the subject site was disturbing. She stated that there was a forklift being operated immediately behind her home during very early morning hours. Mrs. Cone was not certain that the noise was coming from the subject property, but it was coming from that direction, and she hoped the Commission would assist.

Ms. Motley advised that this operation did not open until 8:00 A.M. and did not have any outdoor speakers. She noted that there were some other operations in the area that evidently opened earlier. Mayor Naugle believed there was a pickle bottling company in the area that opened early.

Mr. Robert Sciano, National Lift Trucks, stated that the noise had to be coming from the pickle company or the Salvation Army because he did not have any outside speaker systems. Commissioner Smith noted that several problems had been discussed by the Commission before, and Mr. Sciano advised they had been addressed immediately. Further, Commissioner Moore had subsequently visited the property and found the conditions satisfactory.

Commissioner Moore agreed he had visited the site, and there had been concerns about earth being moved near the waterway. There had also been concerns about storage of fuel on the site. He wondered what would happen if the Commission disapproved this item. The City Attorney stated that the staff report and recommendation supported continuation of the use and contained a finding that the use had not been discontinued. Therefore, it would be difficult to defend denial of the request. In addition, a question had been raised about the timing of the request for call-up, which might or might not have been within the allowed 30-day window of opportunity. The City Attorney felt a compromise had been in order in light of these circumstances, and the compromise position was that presented this evening. However, only a judge could make a decision in this regard.

Commissioner Moore understood the National Lift operation had been continuous and was a permitted use, and it was not in question this evening. The problem had involved a tenant, and the City had sought the best possible compromise. Commissioner Moore hoped the community understood that the portion of the property along the water could not be developed without an approved site plan, and the community would have every opportunity to provide input in that respect.

Commissioner Moore said he had some concerns about a garbage container and an enclosure. He asked if that situation would be addressed quickly. Mr. Sciano stated that the collection company had been contacted, and he would ensure it was addressed right away. Commissioner Moore said he had found Mr. Sciano to be cooperative, and he was hopeful he would continue to treat the community with respect.

Mayor Naugle pointed out that there were many areas of the City with single-family homes across from commercial uses. He agreed the source of the noise in this case should be identified so the problem could be addressed. Commissioner Moore recalled a "visioning" workshop some years ago about this area along the waterway, and there had been discussion about relocating the Salvation Army and similar types of uses. He understood the community desired different uses in this area.

Commissioner Smith understood the desires of the community as well, and he agreed it would be nice if this area was zoned for residential use, but he did not think the City could just arbitrarily change zoning. The City Attorney agreed that was correct. He explained that in order to change the zoning, an ordinance would have to be adopted through the usual public hearing process. Mayor Naugle believed the County would have to approve a change to the Land Use Plan as well. The City Attorney agreed that was correct, and down-zoning from commercial to residential use would require payment for loss of value so there were some significant burdens associated with rezoning.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve an application to continue a nonconforming use for National Lift Truck Service/Charlie Frymeyer, Inc. (ARC Case No. 16-NC-99). Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Vacate a Portion of Flamingo Avenue –
Yasat USA, Inc. (PZ Case No. 30-P-99) (PH-2)

At the regular meeting of the Planning & Zoning Board on April 26, 2000, it was recommended by a vote of 9 to 0 that the following application be approved. Notice of the public hearing was published on June 24 and July 1, 2000.

Applicant: Yasat USA, Inc.
Request: Vacate a portion of Flamingo Avenue
Location: Flamingo Avenue between North Ocean Boulevard
(State Road A-1-A) and Northeast 34th Avenue

Mayor Naugle called for those who wished to be heard. The following appeared:

Ms. Laura Ward, 18 Castle Harbor Isle, did not object to vacation of the street or to the 11-unit condominium, but she had concerns because her husband was confined to a wheelchair, and the stamped pavers presented difficulties. She also hoped the Police Department would examine the pathway to ensure it was safe. Ms. Ward had spoken with the applicant's attorney who had indicated a willingness to work in that direction.

Mr. Dick Coker, Attorney representing the applicant, said the applicant would be glad to modify the pavement and, during the DRC process, he would work with staff to provide a smooth and decorative walkway. In addition, the Police Department would review the area in terms of CEPTED criteria with which the applicant would comply. Commissioner Katz understood the applicant was also willing to work with the Bermuda Riviera Association. Mr. Coker agreed the applicant had been working with the neighborhood to develop a pedestrian access easement with a particular design for construction and maintenance in perpetuity.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-29

AN ORDINANCE VACATING, ABANDONING AND CLOSING THAT PORTION OF FLAMINGO AVENUE, BOUNDED ON THE NORTH BY THE NORTH LINE OF SECTION 19, TOWNSHIP 49 SOUTH, RANGE 43 EAST; BOUNDED ON THE EAST BY THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD A-1-A (100 FOOT RIGHT-OF-WAY); BOUNDED ON THE SOUTH BY THE NORTH LINE OF LOT 1, BLOCK "B", AND BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1; ALL AS SHOWN ON THE PLAT OF "BERMUDA RIVIERA SUBDIVISION OF GALT OCEAN MILE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN A1-A AND NORTHEAST 34TH AVENUE, NORTH OF NORTHEAST 41ST STREET AND AT THE CORPORATE LIMITS OF THE CITY OF FORT LAUDERDALE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Cable Television Franchise and Rights-of-Way (ROW)
Use Agreement – Everest Connections Corporation –
Cable Services for the City (PH-3)**

A public hearing was scheduled to consider an ordinance granting Everest Connections Corporation the non-exclusive right to occupy the rights-of-way in the City for the placement of telecommunications facilities and a non-exclusive franchise to provide cable services; and, further authorizing the proper City officials to execute a franchise agreement and a rights-of-way use agreement with Everest Connections Corporation setting forth the terms and conditions of its franchise. Notice of the public hearing was published on June 24 and July 1, 2000.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith wanted to thank Mayor Naugle for bringing this subject to the Commission's attention because it was important to encourage competition in the cable business.

Mr. Bruce Larkin, Director of Administrative Services, introduced *Mr. Dick Rogers, Ms. Jane Brenner, and Ms. Sue Delegal*, representing Everest Connections Corporation. He also wished to thank several members of staff for helping to fast track this effort to compete with "over-builders." Mayor Naugle asked when connection would occur. Mr. Larkin replied that the company was committed to completing the system within 36 months, and they would connect in phases as the work progressed.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-30

AN ORDINANCE PURSUANT TO SECTIONS 8.15 AND 8.17 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING TO EVEREST CONNECTIONS CORPORATION, THE NON-EXCLUSIVE RIGHT TO OCCUPY THE RIGHTS OF WAY IN THE CITY OF FORT LAUDERDALE FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RIGHTS OF WAY USE AGREEMENT WITH EVEREST CONNECTIONS CORPORATION SETTING FORTH THE TERMS AND CONDITIONS OF ITS OCCUPANCY OF THE RIGHTS OF WAY; GRANTING A FRANCHISE TO EVEREST CONNECTIONS CORPORATION TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM OVER AND BENEATH THE PUBLIC STREETS AND OTHER PUBLIC PROPERTY OF THE CITY OF FORT LAUDERDALE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FRANCHISE AGREEMENT WITH EVEREST CONNECTIONS CORPORATION PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Cable Television Franchise and Rights-of-Way (ROW)

Use Agreement – RCN Telecom Services, Inc. –

Cable Services for the City (PH-4)

A public hearing was scheduled to consider an ordinance granting RCN Telecom Services, Inc. the non-exclusive right to occupy the rights-of-way in the City for the placement of telecommunications facilities and a non-exclusive franchise to provide cable services; and, further authorizing the proper City officials to execute a franchise agreement and a rights-of-way use agreement with RCN Telecom Services, Inc. setting forth the terms and conditions of its franchise. Notice of the public hearing was published on June 24 and July 1, 2000.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Mr. Bruce Larkin, Director of Administrative Services, introduced Mr. Thomas Speel, of RCN Telecom Services, Inc.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-31

AN ORDINANCE PURSUANT TO SECTIONS 8.15 AND 8.17 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING TO RCN TELECOM SERVICES, INC., THE NON-EXCLUSIVE RIGHT TO OCCUPY THE RIGHTS OF WAY IN THE CITY OF FORT LAUDERDALE FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RIGHTS OF WAY USE AGREEMENT WITH RCN TELECOM SERVICES, INC. SETTING FORTH THE TERMS AND CONDITIONS OF ITS OCCUPANCY OF THE RIGHTS OF WAY; GRANTING A FRANCHISE TO RCN TELECOM SERVICES, INC. TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM OVER AND BENEATH THE PUBLIC STREETS AND OTHER PUBLIC PROPERTY OF THE CITY OF FORT LAUDERDALE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FRANCHISE AGREEMENT WITH RCN TELECOM SERVICES, INC. PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Project 9733 – BridgeSide Square Beautification/
Revitalization Special Assessment Project (PH-5)**

A public hearing was scheduled to consider a resolution approving the construction of beautification/revitalization improvements to the BridgeSide Square area and to defray the expense by special assessments; describing the nature and location of the proposed improvements; providing for the estimated cost of the improvements; providing for the manner in which said assessments shall be made, when said assessments are to be paid, and designating the lands upon which the special assessments shall be levied. Notice of the public hearing was published on June 22 and 29, 2000. (Please see Item PH-6 on this Agenda.)

Mayor Naugle said two public hearings were scheduled, the first with respect to the propriety and advisability of making the subject improvements and funding them with a special assessment. The Commission would consider adoption of a resolution and, if it was adopted, the second hearing would allow the Commission to meet as an equalizing board to consider any and all complaints as to the special assessments. Any necessary adjustments would then be made to the assessment roll, and the City Commission would consider a resolution approving the final assessment roll.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Pete Sheridan, Engineering Division, provided a history of the project and presented slides of the area. He advised that a master plan for the area had been devised, and it included placing overhead power lines underground and other aesthetic amenities. Mr. Sheridan explained that the cost of the improvements had been estimated at \$3.4 million, and a private developer had stepped forward with a \$44 million private investment in the area. This project had helped to reduce the special assessment cost to \$1.4 million.

Mr. Hal Barnes, Project Engineer, described the features of the proposed project. He stated that the project area was bounded by Oakland Park Boulevard, the Intracoastal Waterway, A-1-A and commercial properties lying south of 29th Court and 30th Street. He advised that while this was a predominantly commercial district, there were two residential condominiums in the area – the Berkeley South and the Galt Ocean Terrace.

Mr. Barnes said the objectives of the project were to improve traffic flow, drainage, increase signage, produce entryway features and pedestrian features, and to upgrade lighting and landscaping. He advised that a Mediterranean theme was proposed, and he displayed a computer-generated picture of how the area would appear once the improvements were completed.

Mr. Barnes noted that the community had been polled on several occasions, with a response rate of 32% and an approval rate of 70% overall. He noted that the 70% overall approval rate equated to 76% of the total assessment amount of \$1.6 million. Mr. Barnes stated that design workshops had been held to obtain public input, and community updates had been provided on a monthly basis. He reported that the total estimated cost of the project was \$2.5 million, and maintenance was critical, so the Merchants Association had agreed to maintain the entranceway features, landscaping and irrigation systems with the City maintaining the roadways and streetlights.

Mr. Barnes stated that an official assessment roll had been prepared and filed with the City Clerk, and there had been no contacts indicating corrections were necessary. He noted that there would be some credits applied to this project, including a \$30,000 paving credit, a \$300,000 drainage credit, a \$25,000 BCIP grant, and a \$100,000 design contribution from Sapphire Properties, leaving an assessable amount of \$2.2 million. He advised that an appraisal had been conducted to ensure the assessments were fair and equitable.

Mr. Barnes advised that the assessment methodology involved a blending of parcel square footage, lot frontage, and geographic relationship to the improvements. He stated that commercial assessments ranged from \$18,477 to a maximum of \$900,028, and financing was being offered for those who did not wish to pay the full amount when the project was completed. Mr. Barnes explained the payments could be spread out over five or ten years with an interest rate of 7.13%. He stated that the condominium assessments were based on an equal basis at \$150 each, and that amount would be due in full when the project was completed.

Mr. Sheridan said one of the most critical elements of the project was to get it done during the off season, therefore an amendment to the developer's agreement would be presented at the next Commission meeting to allow construction to go forward this year based upon a Commission Conference discussion.

Mr. Mark Hariton, President of the Berkley South Condominium Association, strongly urged approval of this project. He stated that there was excitement and vitality in this area that had become a little seedy and depressed, and he wanted to thank everyone who had been involved. Mr. Hariton said everyone had worked together on this project, and he hoped the Commission would approve it.

Mr. Michael O'Leary, representing the BridgeSide Square Commercial Owners Association, wanted to thank the City Commission and staff for helping to put this project together. He believed this project would take the entire area in a different direction, and the business owners were prepared to make this investment along with the Sapphire Group and the neighborhood. Mr. O'Leary encouraged the Commission to support this project that was fully supported by the members of this Association.

Mr. Tim Donnelly, Vice-President of the Berkeley South Condominium Association, believed everyone favored this project, and he had heard no negative comments in this regard. He added that Mr. Sheridan and Mr. Barnes had been very helpful during the process, and he hoped the Commission would go forward.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith wondered how quickly the project could be accomplished. Mr. Sheridan thought work could begin by early August, with completion expected by the end of the year. Commissioner Smith inquired about the gatehouse. Mr. Sheridan advised that bids were being sought, and he was hopeful it would be affordable enough to pursue. In addition, staff was exploring the idea of a traffic signal at A-1-A and 30th Street. Commissioner Smith hoped the gatehouse could be included in the project, and he wholeheartedly supported the project.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. A-00-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE INSTALLATION OF RIGHT-OF-WAY, LIGHTING, DRAINAGE, LANDSCAPING AND OTHER IMPROVEMENTS IN THE BRIDGESIDE SQUARE COMMUNITY AREA AND TO DEFRAY THE EXPENSE BY SPECIAL ASSESSMENTS; DESCRIBING THE NATURE AND LOCATION OF THE PROPOSED IMPROVEMENTS; PROVIDING FOR THE ESTIMATED COST OF THE IMPROVEMENTS; PROVIDING FOR THE MANNER IN WHICH SAID ASSESSMENTS SHALL BE MADE, WHEN SAID ASSESSMENTS ARE TO BE PAID AND DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Project 9733 – BridgeSide Square Beautification/
Revitalization Special Assessment Project** (PH-6)

The City Commission was scheduled to meet as an equalizing board to hear and consider complaints as to special assessments and consider a resolution approving the final assessment roll for the BridgeSide Square area beautification/revitalization special assessment project. Notice of the public hearing was published on June 22 and 29, 2000. (Please see Item PH-5 on this Agenda).

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the public hearing be closed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. A-00-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE FINAL ASSESSMENT ROLL AND THE SPECIAL ASSESSMENTS FOR THE BRIDGESIDE SQUARE BEAUTIFICATION/REVITALIZATION SPECIAL ASSESSMENT PROJECT; PROJECT NO. 9733.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Annual Plan – 2000/2001 Program Year for
Housing and Urban Development (HUD) Federal
Entitlement Programs – Community Development
Block Grant (CDBG), Home Investment Partnership
Grant (HOME), Emergency Shelter Grant (ESG), and
Housing Opportunities for Persons with AIDS (HOPWA) (PH-7)**

A public hearing was scheduled to consider the Annual Plan for the 2000/2001 Program Year for HUD federal entitlement programs CDBG, HOME, ESG, and HOPWA.

Motion made by Commissioner Moore and seconded by Commissioner Smith to defer consideration of this item to July 18, 2000 at 6:00 P.M. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amendment to Chapter 25, “Streets and Sidewalks” –
Create New Article X “Cable Television Systems” (O-1)**

An ordinance was presented amending Chapter 25, “Streets and Sidewalks,” of the Code of Ordinances of the City to create a new Article X entitled “Cable Television Systems,” to provide for definitions, franchise requirements including franchise term, design and construction of the cable system, customer service and construction standards, operation and maintenance, financial and insurance provisions, franchise administration, transfer of the system and other general requirements applicable to cable television systems. Notice of the proposed ordinance was published on June 26, 2000.

Commissioner Katz asked who levied and collected fines for failure to comply with customer standards, and where those monies were directed. Mr. Bruce Larkin, Director of Administrative Services, was not sure where the monies were directed, but there was a process outlined in the ordinance for the imposition of penalties if problems were not addressed after proper notice. He stated that the process was through the City Manager with an appeal process to the City Commission and to the courts. Mayor Naugle believed the monies would go into the General Fund.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-32

AN ORDINANCE AMENDING CHAPTER 25, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CREATE A NEW ARTICLE X ENTITLED CABLE TELEVISION SYSTEMS, TO PROVIDE FOR DEFINITIONS, FRANCHISE REQUIREMENTS INCLUDING FRANCHISE TERM, DESIGN AND CONSTRUCTION OF THE CABLE SYSTEM, TECHNICAL, CUSTOMER SERVICE AND CONSTRUCTION STANDARDS, OPERATION AND MAINTENANCE, FINANCIAL AND INSURANCE PROVISIONS, FRANCHISE ADMINISTRATION, TRANSFER OF THE SYSTEM AND OTHER GENERAL REQUIREMENTS APPLICABLE TO CABLE TELEVISION SYSTEMS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amendment to Section 25-203, Use Agreement Applications” – Application Fee to be Set by Resolution (O-2)

An ordinance was presented amending Section 25-203, “Use Agreement Applications,” of the Code of Ordinances of the City, providing that an application fee as set by resolution of the City Commission shall be paid by providers applying to locate facilities in the Rights-of-Way (ROW). Notice of the proposed ordinance was published on June 26, 2000.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-33

AN ORDINANCE AMENDING SECTION 25-203, USE AGREEMENT APPLICATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING THAT AN APPLICATION FEE AS SET BY RESOLUTION OF THE CITY COMMISSION SHALL BE PAID BY PROVIDERS APPLYING TO LOCATE FACILITIES IN THE RIGHTS OF WAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amendment to Chapter 20 – Police & Firefighters Retirement System – Minimum Benefit Levels and Operational Standards Imposed by Florida Statutes and Cost of Living Adjustment (COLA) Clause (O-3)

An ordinance was presented amending Chapter 20, Division 3 of the Code of Ordinances of the City respecting the Police & Firefighters Retirement System to comply with the minimum benefit levels and minimum operational standards imposed by Chapter 99-1, Laws of Florida (1999 Amendments to Chapters 175 and 185, Florida Statutes); and, further providing for a five-year extension of the COLA clause until July 15, 2005. Notice of the proposed ordinance was published on June 26, 2000.

Commissioner Katz noted that the second paragraph contained a statement indicating this had already cost the City nearly \$200,000 in available State funding. She requested an explanation. Mr. Damon Adams, Director of Finance, explained that there was a base year in which funding was established. Any increases in that over the years were used to pay these extra benefits, and \$200,000 from the base year had already been used. Mayor Naugle understood this was a State mandate, and Mr. Adams agreed it was if the City wanted to continue to receive the Section 175 and 185 funds. Mayor Naugle noted that if such mandates continued to be imposed, the City might want to reconsider its position.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-34

AN ORDINANCE AMENDING CHAPTER 20, DIVISION 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE POLICE AND FIREFIGHTERS RETIREMENT SYSTEM, TO MEET THE MINIMUM BENEFIT LEVELS AND MINIMUM STANDARDS FOR THE OPERATION AND FUNDING OF THE PLAN AS PROVIDED IN CHAPTER

99-1, LAWS OF FLORIDA; AMENDING EXISTING DEFINITIONS; PROVIDING NEW DEFINITIONS; AMENDING DESIGNATION OF BENEFICIARY PROCESS; PROVIDING CREDIT FOR MILITARY SERVICE UNDER CERTAIN CIRCUMSTANCES; PROVIDING AN EARLY RETIREMENT DATE AND BENEFITS; EXPANDING THE DEFINITION OF EARNINGS; AMENDING CONDITIONS OF ELIGIBILITY; EXPANDING DURATION AND SURVIVOR BENEFITS; PROVIDING AN OPTIONAL CHAPTER 175/185 DISABILITY RETIREMENT PROCESS AND BENEFITS; CREATING PRESUMPTIONS OF DISEASES SUFFERED IN THE LINE OF DUTY; AMENDING PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR ADDITIONAL VESTED BENEFITS FOR THOSE WHO TERMINATE WITH TEN OR MORE YEARS OF SERVICE AFTER ATTAINING AGE 50; EXTENDING COST OF LIVING ADJUSTMENT FORMULA TO JULY 15, 2005; ALTERING PAYMENT OF BENEFITS FORMULA; PROVIDING FOR RESTRICTIONS REGARDING DESIGNATION OF JOINT ANNUITANTS; ALTERING MEMBER CONTRIBUTION REQUIREMENTS FOR MEMBERS ELECTING A CHAPTER 175/185 DISABILITY RETIREMENT; REQUIRING TIMING OF DEPOSIT OF CONTRIBUTION; PROVIDING OPTIONAL FORMS OF RETIREMENT BENEFITS; AMENDING PROVISIONS RESPECTING ADMINISTRATION OF THE FUND AND BOARD OF TRUSTEES, INCLUDING, BUT NOT LIMITED TO, REDUCTION OF TERM OF OFFICE FROM THREE YEARS TO TWO YEARS, PROVIDING FOR STAGGERING OF TERMS, REPLACEMENT OF ELECTED TRUSTEES UPON TERMINATION OF EMPLOYMENT WITH CITY, REMOVAL FROM OFFICE OF ONE APPOINTED TRUSTEE, SELECTION OF SEVENTH MEMBER OF THE BOARD BY THE SIX TRUSTEES, PROVIDING FOR REIMBURSEMENT OF BOARD MEMBERS EXPENSES AND PER DIEM AS PROVIDED BY FLORIDA LAW, RECORD KEEPING RESPONSIBILITY OF SECRETARY TO BOARD OF TRUSTEES, VESTING SOLE AND EXCLUSIVE RESPONSIBILITY FOR OPERATION OF THE FUND AND THE PLAN IN BOARD OF TRUSTEES, EMPLOYMENT OF INDEPENDENT CONSULTANT TO EVALUATE PERFORMANCE OF MONEY MANAGERS, EMPLOYMENT OF INDEPENDENT LEGAL COUNSEL, ACTUARY AND OTHER ADVISERS WITHOUT CONSENT OF CITY COMMISSION, POWER TO PURCHASE ANNUITY OR LIFE INSURANCE CONTRACTS, ESTABLISHING PRUDENT INVESTOR RULE AND RESTRICTIONS ON THE INVESTMENT AND REINVESTMENT OF ASSETS OF THE PLAN; PROVIDING FOR FORFEITURE OF RETIREMENT BENEFITS; PROVIDING FOR LUMP SUM PAYMENT OF SMALL PENSIONS; PROVIDING FOR DISTRIBUTIONS IN THE EVENT OF TERMINATION OF THE PLAN BY THE CITY; PROVIDING FOR EXEMPTIONS FROM EXECUTION; REQUIRING FORFEITURE OF BENEFITS FOR FRAUDULENT CLAIMS; PROVIDING FOR PREMIUM TAX MONEY TO PAY EXTRA BENEFITS; PROVIDING FOR ALTERNATIVE OF SUPPLEMENTAL PLAN; PROVIDING FOR THE FUNDING OF INCREMENTAL INCREASES IN ADDITIONAL MINIMUM BENEFITS TO EXTENT ADDITIONAL PREMIUM TAX REVENUES BECOME AVAILABLE; PROVIDING FOR TRANSFER TO ANOTHER STATE RETIREMENT SYSTEM; PROVIDING THAT MINIMUM BENEFIT LEVELS AND MINIMUM STANDARDS FOR OPERATION OF CHAPTER 99-1, LAWS OF FLORIDA SUPERSEDE CONFLICTING ORDINANCE PROVISIONS DURING PERIOD CITY IS A PARTICIPANT IN PREMIUM TAX MONEY DISTRIBUTIONS; PROVIDING FOR AUTOMATIC REPEAL OF PORTIONS OF THIS ORDINANCE AND REVIVAL OF PRE-

EXISTING PROVISIONS REPEALED BY THIS ORDINANCE IF CITY REVOKES PARTICIPATION IN PREMIUM TAX MONEY DISTRIBUTIONS; DELETING PROVISIONS WHICH HAVE EXPIRED OR BECOME OBSOLETE; AMENDING CROSS-REFERENCES AND CLARIFYING CERTAIN PROVISIONS; PROVIDING FOR EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amendment to Section 6-4 –

Dogs on the Beach Area (O-4)

An ordinance was presented amending Section 6-4 of the Code of Ordinances of the City prohibiting dogs, pets and domesticated animals from certain beach areas. Notice of the proposed ordinance was published on June 26, 2000.

Commissioner Hutchinson was concerned about pushing this to the west. Mayor Naugle stated that the centerline of the road had been used in the past, and a previous Commissioner had suggested opening the area up to dogs on a trial basis. He felt that action could be repealed and the centerline of the road reinstated as the marking point on a trial basis. Mayor Naugle noted that the east side had a wall that acted as a bench, but there were businesses with tables on the west side and fewer public places to sit. He thought using the centerline might work.

Commissioner Hutchinson was concerned that the problems would be moved to the west side where people were dining. Commissioner Smith asked if this matter would have to be republished if the Commission decided to ban dogs from both sides of the roadway. The City Attorney believed the published title was sufficiently broad to cover such an amendment. Commissioner Smith shared Commissioner Hutchinson's concerns, particularly since there had been a plethora of dangerous dogs at the beach on the 4th of July in front of the Atlantis Bar.

Commissioner Smith was afraid that banning the dogs on the east side would make everyone walk their dogs on the west side where there were restaurants. He noted that there were a lot of responsible pet owners who liked to go to the beach, so he thought a compromise might be in order as long as the beach was kept safe and clean. Commissioner Smith suggested that the "Naugle doggie beach" hours be increased to seven days a week rather than just weekends so responsible dog owners could enjoy the beach.

Mayor Naugle believed that would require a separate ordinance and the idea tonight was to eliminate dogs on both sides of A-1-A even though people could walk their dogs anywhere else in the City. He asked if any efforts were being made to enforce the ordinance relating to cleaning up after dogs. Commissioner Smith believed the problem was that adequate enforcement involved assigning police officers to lay in wait for criminal dogs. The Police Chief stated that there had always been concerns about enforcement, and he felt people should be required to carry materials for cleaning up after their pets.

Commissioner Katz agreed with Commissioners Smith and Hutchinson. Although it was unfortunate that there were irresponsible pet owners, but she wanted a safe, clean beach. Commissioner Katz pointed out that mounted police also posed certain problems with cleaning up after horses. She wondered if there was some kind of horse diaper available. The Police Chief stated that there were actually very few such instances, although some sort of device was used by horses in the carriage trade. Nevertheless, he did not think it would be workable for mounted police because of the tactical difficulties. Commissioner Smith suggested officers carry shovels. The Police Chief said they had shovels and instructions to clean up after the horses whenever possible.

Mr. Tom Tapp, Director of Parks & Recreation, stated that dog beach worked well because there was a Park Ranger stationed there when it was open to enforce the park rules and provide information. He advised that if the hours were extended to seven days a week, additional personnel would be necessary that had not been included in the budget.

Commissioner Moore felt dogs should be outlawed on the beach on both sides. Commissioner Katz agreed. Commissioner Smith understood staff would examine the cost of providing personnel to operate dog beach seven days per week. Mayor Naugle agreed there had been an experiment, but it had not worked.

Mr. Tapp reminded everyone that "Bark Park" would be opening soon so people could take their dogs somewhere. Commissioner Smith believed dogs were allowed in Birch State Park as well.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to amend the ordinance to outlaw dogs on both sides of the beach. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-00-35

AN ORDINANCE AMENDING SECTION 64 OF THE CODE OF ORDINANCES
OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROHIBITING DOGS,
PETS AND DOMESTICATED ANIMALS FROM CERTAIN BEACH AREAS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Sanitation Revenue Bonds, Series 2000 –
Wingate Landfill Site - \$6,205,000 (R-1)**

This item was deleted from the agenda.

**Executive Airport - Joint Participation Agreement (JPA) –
Florida Department of Transportation (FDOT) –
Electrical Rehabilitation Project (R-2)**

A resolution was presented authorizing the proper City officials to execute a JPA with the FDOT for a grant of up to half the nonfederal share (approximately \$178,500) of the electrical rehabilitation project cost.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ACCEPTING A GRANT FOR PARTIAL FUNDING FOR THE DESIGN AND CONSTRUCTION OF THE ELECTRICAL REHABILITATION PROJECT AT FORT LAUDERDALE EXECUTIVE AIRPORT; AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TO RECEIVE SUCH GRANT FUNDING.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 8:23 P.M., Commissioner Hutchinson left the meeting.

Enterprise Zone (EZ) Loan Applications(OB)

Mayor Naugle wondered if it was necessary to take up this item tonight because he had been told by the Assistant City Manager that the matter would be presented on July 18, 2000. Last night, however, he had received a memorandum indicating that the item would be "walked on" this evening. Mr. Pete Witschen, Assistant City Manager, stated this had originally been programmed for July 18, 2000, but a request had been received from a Commissioner to present it this evening.

Commissioner Moore stated that on June 21, 2000, this Commission discussed several EZ Loan proposals, and there were three applications pending. He saw no reason to wait.

At 8:25 P.M., Commissioner Hutchinson returned to the meeting.

Mayor Naugle did not understand why the established agenda schedule could not be followed. Commissioner Moore felt he could make the request to consider it this evening. Commissioner Smith asked Mayor Naugle if he wanted more time to consider the material. Mayor Naugle explained that he had not finished reviewing the materials because the matter had been scheduled for the July 18, 2000 meeting. Commissioner Smith did not believe the issue was time sensitive and supported a motion for deferral.

Commissioner Moore believed this was a time sensitive matter because there were people in the community who wanted to see some economic development efforts proceed. He saw no reason to delay. Mayor Naugle understood Mr. Case had been spending a lot of money to bring his project forward, and he had no objection to hearing from him now.

Mr. Courtney Case said his plans were currently pending DRC approval, but there was a portion of the property on which an option had not yet been released. Mayor Naugle asked if any renderings had been prepared, and Mr. Case replied they had. Commissioner Hutchinson asked if the application was completed. It was her understanding that some documents were still missing. Mr. Witschen stated that the authorization from the Commission allowed the application to go forward based on the job generation of Dr. Rechter and based on the fact that the property could close by June 20, 2000. Unfortunately, the closing had not taken place as planned, so it had to come back to the Commission. At this time, that issue remained, and there was a letter that had been requested with regard to the job generation from Dr. Rechter.

Mr. Case said he had been told on Friday that the Commission would consider this issue tonight and to submit a letter of intent by Monday morning. Unfortunately, Dr. Richter would be in Michigan for five weeks, and he had not been able to get the letter in time. However, he had sent a fax today indicating he was still interested in occupying the building.

Commissioner Smith did not think Mr. Case was ready yet and suggested he submit an application in the next funding cycle on October 1, 2000. As an alternative, he suggested the loan be pre-approved for the next cycle. In the meantime, applications that were ready could be approved. Mr. Case advised that if he could obtain pre-approval, the seller would be willing to work with him. Mr. Witschen said that could be done for funding in October, but there would only be \$400,000 available next year, and this would substantially cut into that amount. Nevertheless, he believed it met the guidelines of the program as published.

Commissioner Moore preferred to have Mr. Case apply in October rather than pre-approving the loan now. He explained that this money was not really intended for speculative projects. He pointed out that Mr. Case would not be occupying the facility himself and generating jobs like the other proposed projects. Commissioner Moore said he had discussed this with members of the Progresso Merchants Association, and they really wanted development along Sunrise Boulevard, but there were certain criteria associated with EZ Loan funding. He was concerned that this proposal did not meet that criteria and did not feel it would be appropriate to pre-approve this loan.

Commissioner Moore pointed out that there were other applications that were ready, and he preferred to award the money now to Canvas Films and Bob Young Builders with the understanding that Mr. Case would be given every consideration in October along with the other applicants. Mr. Case said he had already spent a lot of money on plans and design work. Commissioner Moore pointed out that he had not met the June 20, 2000 deadline.

Mayor Naugle understood Canvas Films proposed to purchase a building from Mr. Gaddis for \$1 million. Ms. Eve Bazer, Economic Development Department, agreed that was correct. Mayor Naugle believed Mr. Gaddis would hold a \$750,000 mortgage, and the City would contribute \$225,000. Mayor Naugle noted that would be mortgaging about 97% of the property value. Ms. Bazer stated that the property had been appraised for \$1 million, and about \$270,000 worth of improvements were planned. Mayor Naugle did not want to move precipitously without more information and more time to examine the paperwork.

Mr. Witschen advised that all loans were subject to review of the appraisals. Mayor Naugle pointed out that the appraisal had not been received until July 3, 2000. Commissioner Katz was concerned about projects that were already in the "pipeline." She did not want to stop the program in October. Commissioner Katz noted that the application for Betty's Restaurant had not been completed. Mr. Witschen said that project had been in the pipeline for some time, but the application would not be ready until the fall. He explained that the idea of "sun setting" this loan program had been based on the fact that there was a very limited amount of money available. Instead, staff was working on a loan product that bought down the interest and leveraged someone else's capital in order to make a greater number of loans. To the best of his knowledge, no commitments had been made in terms of Betty's Restaurant, but there was an expectation that the program would be available in the fall.

Mayor Naugle felt this was highly irregular, and the process was moving too fast. Commissioner Moore did not agree there was anything irregular about it. Commissioner Smith asked Mr. Witschen to explain how the loans would be structured in the next fiscal year. Mr. Witschen said that the intent would be rather than giving cash loans, applicants would get normal loans with these funds used for interest "buy downs." He noted that Mr. Young and the others already in the pipeline would be handled under the guidelines that existed at the time.

Commissioner Moore stated that individuals had been waiting for this opportunity and were ready to proceed, but Mr. Case was not ready yet. He pointed out that this would not prevent Mr. Case from seeking assistance in October, but other applicants were ready now, and he wanted to see these projects proceed. Mr. Case said he had been assured that Burger King would release the option in a couple of days, and the bank was ready to proceed with the closing.

Mayor Naugle asked if a site plan for the Canvas Films parking had been submitted. *Mr. Ira Core*, Broker representing Canvas Films, stated that no one had requested a site plan at this point. However, once he knew the transaction could go forward, a site plan would be submitted. Mayor Naugle pointed out that Mr. Case had submitted a site plan. He was opposed to moving forward at this time. Commissioner Hutchinson was not comfortable proceeding this evening either, and she saw no reason to rush.

Mr. Bob Young said his plans had been approved by the DRC, and he had been ready to move forward for two months already, but the matter kept being delayed. Commissioner Katz agreed Mr. Young had been waiting a long time. She suggested that his loan application be approved now, and the other two applications be deferred to July 18, 2000. Commissioner Smith supported that idea, as did Commissioner Hutchinson.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve Mr. Young's application and to defer the other two applications to July 18, 2000. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore hoped Canvas Films and Mr. Case would be told exactly what was expected in terms of documentation. Mayor Naugle believed they needed to provide the required application and appraisals so the Commission would have all of the information for consideration on July 18, 2000. Commissioner Moore was a little concerned about what staff would be recommending in the future with respect to these

funds. Commissioner Smith believed there had been discussion about requiring 25% equity to demonstrate commitment.

Juvenile Intervention Facility(OB)

A resolution was presented urging the Florida Department of Juvenile Justice to reverse its policy of limiting the youth who were accepted at the Juvenile Intervention Facility of detention screening, and to continue sufficient funding so the facility may accept all youth offenders.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 00-84

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, STRONGLY URGING THE STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE TO REVERSE ITS POLICY OF LIMITING THE YOUTH WHO ARE ACCEPTED AT THE JUVENILE INTERVENTION FACILITY FOR DETENTION SCREENING, AND TO CONTINUE SUFFICIENT FUNDING SO THAT THE FACILITY MAY ACCEPT ALL YOUTH OFFENDERS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Board of Commissioners of the Fort Lauderdale Housing Authority	George Trodella
Civil Service Board	Kaye Pearson
Local Law Enforcement Block Grant Advisory Board	Police Chief Michael Brasfield Chief Ed Hardy Carol L. Ortman Monic Hofheinz Sandi Johnson
Parks, Recreation & Beaches Advisory Board	Alan MacLeod
Performing Arts Center Authority	Barbara Jones

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 00-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF. _____

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Emergency Task Force (OB)

Commissioner Katz recalled discussion about a resolution inviting the State Emergency Task Force to Fort Lauderdale. The City Attorney stated that the lobbyist had agreed to send the details in the next few days, and a resolution could be presented on July 18, 2000.

At 8:57 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle, Mayor

ATTEST:

Lucy Masliah
City Clerk